
**U.S. Senate
Republican Policy
Committee**

Larry E. Craig, Chairman

Jade West, Staff Director

No. 98

Legislative Notice

Editor, Judy Gorman Prinkey

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S. 1092 — King Cove Health and Safety Act

Calendar No. 218

Reported from the Committee on Energy and Natural Resources on October 15, 1997, by a recorded vote of 12 ayes and 8 noes, without amendment. S. Rept. 105-113, minority views filed.

NOTEWORTHY

- Under a unanimous consent agreement from June 25, 1998, the Senate is considering S. 1092 under a six-hour time agreement with only two amendments by Senator Bumpers and one by Senator Murkowski in order. No second-degree amendments are in order.
- S. 1092 provides for a transfer of land interests in order to facilitate surface transportation between the cities of Cold Bay, Alaska, and King Cove, Alaska.

BACKGROUND

The communities of King Cove and Cold Bay are located in the westernmost part of the Alaska Peninsula and are accessible only by sea or by air. King Cove is predominantly an Alaska Native community with about 900 full time residents and an additional 400 to 600 workers who are transported in and out of King Cove at least four times annually to work in the local fish processing plant. Cold Bay, a community of about 150 residents, supports a world-class airport built during World War II and has the third longest runway in Alaska. The airport has 24-hour, all-weather capability and serves as an emergency alternative for the Anchorage, Alaska, airport.

The two communities are only 20 miles apart, but there is no road between them. A road between the two communities is needed to ensure transportation accessibility and safety. Transportation between Cold Bay and King Cove is accomplished by sea or by air. Unfortunately, weather conditions and topography make King Cove one of the worst places in the United States to access by either water or by air. Air travel is especially difficult.

King Cove's airport has a 3360-foot dirt runway approximately 115 feet wide. The airstrip is surrounded by mountains and steep valleys. The topography can cause very difficult wind conditions. During the winter, the prevailing northerly winds combined with heavy snow showers, strong crosswinds and turbulence often bring all air traffic to a stop.

Since 1981, there have been 11 air crash fatalities involving small, single- and twin-engined aircraft in the air corridor between Cold Bay and King Cove. Numerous other air crashes have occurred as well. One fatal accident involved a medivac flight headed for Anchorage. Four people were killed immediately after the aircraft left the King Cove airport. The pilot was trying to help save a person in a "life or death" situation.

Any road route between the two communities must pass through lands owned by the Federal Government, or the regional and village native corporation. Lands owned by the Native Corporations are inholdings within the Alaska Peninsula National Wildlife Refuge or the Izembek National Wildlife Refuge. Inholdings in the Alaska Peninsula Refuge are owned entirely by the Native Corporation and are not subject to refuge control. The Izembek Refuge, because it predates the Alaska Native Claims Settlement Act that allowed native selection of federal lands, is a different situation. The Refuge retains ownership of the subsurface estate and the King Cove Corporation owns the surface rights. The Izembek Refuge has an additional layer of land use complexity because virtually all of the Refuge is part of the National Wilderness Preservation System.

S. 1092 authorizes the King Cove Corporation to exchange lands with the Fish and Wildlife Service (USFWS) as part of an effort to build the King Cove-Cold Bay Road. The Corporation owns the surface estate of lands for half the road route within the Izembek Refuge. The Corporation has proposed an exchange of wetlands south of Cold Bay which act as important marine habitat for fish and wildlife resources. The Corporation also is willing to discuss alternative sites in the Izembek or Alaska Peninsula Wildlife Refuges if such lands are identified by USFWS.

BILL PROVISIONS

Sec. 1 — Short Title: "King Cove Health and Safety Act of 1977."

Sec. 2 — Establishes the conditions for an exchange of lands between the Native Corporation and the Federal Government and grants a right-of-way to the Corporation.

Sec. 3 — Establishes the conditions relevant to the right-of-way granted in Sec. 2 of the Act.

Sec. 4 — Miscellaneous Provisions. Defines certain terms in the Act. Provides that the Secretary of the Interior and the Aleutians East Borough must jointly develop and agree to reasonable terms and conditions for the use of the right-of-way, including the construction, operation, and maintenance of the public road and utility-related fixtures, which will protect the Federal lands, interest in lands, and resources beneath and adjacent to the right-of-way without imposing undue costs on either party. This section also exempts certain provisions of law from applying to any right-of-way granted pursuant to the Act or any road constructed on such right-of-way. This section also stipulates that implementation of any agreement reached pursuant to the Act shall not be deemed to be a major federal action significantly affecting the quality of the human environment.

ADMINISTRATION POSITION

The Administration has expressed strong opposition to the legislation and will recommend that the President veto the bill if it is passed and sent to the White House.

COST

The Congressional Budget Office estimates that S. 1092 will have no significant impact on the federal Budget.

POSSIBLE AMENDMENTS

Only two amendments by Senator Bumpers and one by Senator Murkowski are in order.

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